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Lincoln National Life Insurance Company and
Metropolitan Life Insurance Company

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

DOCTOR CHRIS AMORE,

Plaintiff,

vs.

LINCOLN NATIONAL LIFE INSURANCE
COMPANY, METROPOLITAN LIFE
INSURANCE COMPANY, and DOES 1
through 10,

Defendants.

CASE NO.: C 07-00276 JSW

Hon. Jeffrey S. White

**THE PARTIES' JOINT STIPULATION
TO CONTINUE THE TRIAL DATE;
[PROPOSED] ORDER THEREON**

Complaint Filed: December 5, 2006

1
2 Plaintiff Doctor Chris Amore ("Plaintiff") and Defendants Metropolitan Life Insurance
3 Company and Lincoln National Life Insurance Company (collectively, "Defendants"; Plaintiff and
4 Defendants are collectively the "Parties"), by and through their respective counsel of record, hereby
5 submit the following joint stipulation:

6
7 **RECITALS**
8

9 By this Stipulation, the Parties hereby seek a continuance of the trial date and pre-trial dates
10 and deadlines, as set forth below. The Parties believe that good cause exists for granting this
11 Stipulation for the following reasons:

12 1. This matter is currently set for trial on May 5, 2008. Close of fact discovery is set
13 for November 12, 2007. The last day to disclose experts is November 26, 2007. Close of expert
14 discovery is January 11, 2008. The last day to hear dispositive motions is February 8, 2008. The
15 pretrial conference is set for April 15, 2008.

16 2. The Parties request a continuance of the trial date, and all pretrial dates. Good cause
17 exists for several reasons. First, Plaintiff has very recently changed counsel. Plaintiff's newly
18 appointed counsel has previously scheduled trial in another matter that will overlap with May 5,
19 2008 trial date. In addition, Plaintiff, who claims disability benefits in this action, is engaged in a
20 one-year vocational rehabilitation training program in nuclear medicine. Final examinations for this
21 program are scheduled for May 2008 followed thereafter by California State Certification
22 examinations in June-July 2008. Plaintiff contends that failure to take these examinations will result
23 him being unable to pursue his chosen livelihood. Further, the parties, and Plaintiff's newly-
24 appointed counsel in particular, require additional time to conduct discovery in this matter, which is
25 expected to be complex and lengthy. Finally, the parties attended an early neutral evaluation
26 session in which significant inroads to settlement were achieved. The parties are currently in the
27 process of selecting a private mediator, expect to complete mediation of this matter in the next 90
28 days, and believe that this case has a strong potential to be resolved in mediation, which would

1 thereby avoid the extensive time and costs of litigation and would provide for judicial economy. An
2 extension on the deadline for discovery and other related deadlines will give the ADR process the
3 best chance for success.

4 3. The Parties have never requested continuances of trial dates and pretrial deadlines in
5 this action.

6 4. Therefore, the Parties believe that a continuance as set forth below is warranted.

7
8 **PARTY STIPULATION**

9
10 WHEREFORE, by this Stipulation, the Parties hereby seek and stipulate, subject to Court
11 approval, that the trial date and related dates and deadlines be continued as set forth in the proposed
12 order below.

13 IRA A. FREYDKIS, ESQ.

14 Dated: October 4, 2007

15
16 By: 

IRA A. FREYDKIS
Attorneys for Plaintiff Doctor Chris
Amore

18 Dated: October 4, 2007

BARGER & WOLEN LLP

20
21 By: 

ROYAL F. OAKES
MICHAEL A. S. NEWMAN
Attorneys for Defendants Metropolitan
Life Insurance Company and Lincoln
National Life Insurance Company

PROPOSED ORDER

Pursuant to the Parties' Joint Stipulation to Continue the Trial Date, and good cause appearing therefore, **IT IS SO ORDERED** as follows:

The pretrial and trial schedule previously announced by this Court is **VACATED**, and the Court adopts in its place the following pretrial schedule:

[1] Close of fact discovery is: ~~April 11, 2008~~ for March 28, 2008].

[2] Last day to disclose experts is: ~~April 25, 2008~~ for April 11, 2008].

[3] Close of expert discovery is: ~~June 12, 2008~~ for May 29, 2008].

[4] Last day for hearing on dispositive motions is: ~~July 11, 2008 at 9:00 a.m.~~ for June 27, 2008 at 9:00 a.m.].

[5] Pretrial Conference is: **August 25, 2008 at 2:00 p.m.** for].

[6] Jury Trial will take place **September 15, 2008, at 8:30 a.m.** for].

DATE: October 10, 2007

UNITED STATES DISTRICT COURT
JUDGE, NORTHERN DISTRICT OF
CALIFORNIA

By: 
HON. JEFFREY S. WHITE
United States District Court Judge